

10-15-04

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/806,030
Filing Date: March 22, 2004
Applicant: Koji HIGUCHI et al.
Group Art Unit: 2852
Examiner: Not yet assigned
Title: DROPLET EJECTION APPARATUS
Attorney Docket: 9319A-000737

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION**

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. **COPIES**

A. _____ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cross-referenced pending U.S. application listed below in Section IV, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. _____ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. X Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. _____ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. If the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. X Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. X A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. X See the attached foreign patent office communications from related foreign applications.
2. X English translations are provided as indicated on Form-1449.
3. X Other: European Patent Application No. 04004518.9 is based on related Japanese Patent Application No. 2003-055021; European Patent Application No. 04004519.7 is based on related Japanese Patent Application No. 2003-055020; International Application No. PCT/JP2004/002437 corresponds to U.S. Application No. 10/802,675 which claims priority to Japanese Application No. 2003-079202; International Application No. PCT/JP2004/002390 corresponds to U.S. Application No. 10/807,921 which claims priority to Japanese Application No. 2003-092934; International Application No. PCT/JP2004/002443 corresponds to U.S. Application No. 10/807,920 which claims priority to Japanese Application No. 2003-0092935; International Application No. PCT/JP2004/002414 corresponds to U.S. Application No. 10/824,335 which claims priority to Japanese Application No. 2003-112232; International Application No. PCT/JP2004/002400 corresponds to U.S. Application No. 10/806,030 which claims priority to Japanese Application No. 2003-088508; International Application No. PCT/JP2004/002401 corresponds to U.S. Application No. 10/797,595 which claims priority to Japanese Application No. 2003-067382; International Application No. PCT/JP2004/002405 corresponds to U.S. Application No. 10/806,031 which claims priority to Japanese Application No. 2003-088507; and International Application No.

PCT/JP2004/002403 corresponds to U.S. Application No. 10/797,594 which claims priority to Japanese Application No. 2003-067383.

C. ____ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. X The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Art Unit</u>
10/802,675	March 17, 2004	N/A
10/807,920	March 24, 2004	N/A
10/797,595	March 10, 2004	N/A
10/797,594	March 10, 2004	N/A
10/806,031	March 22, 2004	N/A
10/824,335	April 14, 2004	N/A
10/807,921	March 24, 2004	N/A

V. THIS IDS IS BEING FILED UNDER

A. X **37 C.F.R. § 1.97(b):** (check only one box)

1. ____ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. X before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ____ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ____ **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
2. ____ See the certification below. No fee is required.

C. ____ **37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ____ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. ____ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. § 1.704(d) below in section VII, if applicable; or

B. ____ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ____ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

— each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. ☐ A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. ☐ Please charge Deposit Account No. 50-3213 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

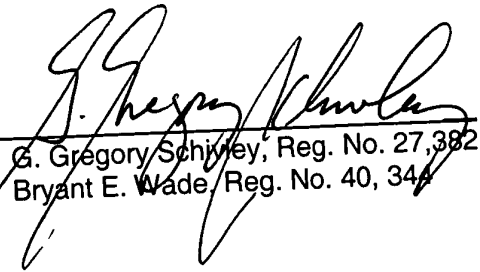
If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-3213.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 50-3213.

Respectfully submitted,

Dated: October 14, 2004

By:


G. Gregory Schirley, Reg. No. 27,382
Bryant E. Wade, Reg. No. 40,344

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GGs/BEW/JJK



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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/806,030
	Filing Date	March 22, 2004
	First Named Inventor	Koji HIGUCHI et al
	Art Unit	2852
	Examiner Name	Not yet assigned
Total Number of Pages in This Submission	Attorney Docket Number	9319A-000737

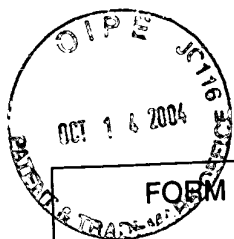
ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Form HDP 1449; Copies of cited references (20); and Acknowledgment postcard.
Remarks		The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-3213. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name G. Gregory Schivley Bryant E. Wade	Reg. No. 27,382 40,344
Signature			
Date	October 14, 2004		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	G. Gregory Schivley / Bryant E. Wade	Express Mail Label No.	EV 406 076 533 US (10/14/2004)
Signature		Date	October 14, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 406 076 533 US



FORM HDP-1449 (Based on Form PTO-1449)

PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION
 (Use several sheets if necessary)

Sheet 1 of 2

ATTORNEY DOCKET NO.	SERIAL No.
9319A-000737	10/806,030
APPLICANT	
Koji HIGUCHI et al.	
FILING DATE	GROUP
March 22, 2004	2852

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		2002-089562	7/11/2002	Simons et al.		
2.		4,034,380	7/5/1977	Isayama		
3.		6,375,299	4/23/2002	Foster et al.		
4.		5,818,473	10/6/1998	Fujii et al.		
5.		5,500,657	3/19/1996	Yauchi et al.		

FOREIGN PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation *	
						Yes	No
1.		EP 1211078	6/5/2002	Europe		N/A	
2.		EP 1147900	10/24/2001	Europe		N/A	
3.		EP 0933215	8/4/1999	Europe		N/A	
4.		63-141750	6/14/1988	Japan		Abstract	
5.		11-334102	12/7/1999	Japan		X	
6.		02-003323	1/8/1990	Japan		Abstract	
7.		2000-272116	10/3/2000	Japan		X	
8.		2002-187263	7/2/2002	Japan		Abstract	
9.		08-309963	11/26/1996	Japan		X	
10.		2000-351204**	12/19/2000	Japan		X	
11.		06-122206	5/6/1994	Japan		X	

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 2 of 2	ATTORNEY DOCKET No.	SERIAL No.
	9319A-000737	10/806,030
	APPLICANT	
	Koji HIGUCHI et al.	
	FILING DATE	GROUP
	March 22, 2004	2852

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
1.		Communication from European Patent Office re: counterpart application No. 04004519.7
2.		Communication from European Patent Office re: counterpart application No. 04004518.9
3.		Communication from PCT re: corresponding International Application No. PCT/JP2004/002401
4.		Communication from PCT re: corresponding International Application No. PCT/JP2004/002405
5.		Communication from PCT re: corresponding International Application No. PCT/JP2004/002400
6.		Communication from PCT re: corresponding International Application No. PCT/JP2004/002403
7.		Communication from PCT re: corresponding International Application No. PCT/JP2004/002414
8.		Communication from PCT re: corresponding International Application No. PCT/JP2004/002390
9.		Communication from PCT re: corresponding International Application No. PCT/JP2004/002437
10.		Communication from PCT re: corresponding International Application No. PCT/JP2004/002443

*One or more of the English translation documents submitted herewith may be Abstracts only or partial machine created translations from the Japanese Patent Office. As such, the submitter does not necessarily vouch for their accuracy. Additional information may be obtained from the Japanese Patent Office web site at www.jpo.go.jp

** Previously Submitted

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.